

146.1307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :  
JEAN-LUC DUBOIS :  
Serial No.: 202,217 :  
Filed: December 9, 1998 :  
For: NEW DEVICES...AS MEDICAMENTS :

600 Third Avenue  
New York N.Y. 10016  
December 18, 2000

RENEWED PETITION UNDER 37 C.R.F. 1.47(b)

Asst. Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the decision on petition dated July 27, 2000, Applicant renews the petition and request that the Patent Office grant present application a filing date because the inventor, Mr. Dubois, has refused to execute the application.

The PCT legal Examiner has held that Applicant has complied with the requirements 1, 3, 4 and 6 of Rule 47(b). With respect to item 2, the petitions Examiner has indicated that there must be an express oral refusal by the inventor to refuse to execute the application along with facts concerning the time and place of the refusal which should be stated in the affidavit or declaration and the petitions Examiner has held that Applicant has not complied with this requirement. With respect to item 5 requiring the Applicant to establish sufficient proprietary interest in the application, Applicant had not provided an English translation of the designation of the inventor and that there has to be a legal memorandum showing proprietary interest under the French law

section and no such legal memorandum has been submitted and with respect to employment contract, there is no declaration of a person having first hand knowledge of the facts that the invention was made by the employee while employed by the Applicant.

Applicant renews the petition on the basis that the declaration of Mr. Vieillefosse filed herewith states that of his own personal knowledge knows that the invention in the above application was made by Mr. Dubois while employed by Hoechst Marion Roussel, the successor to Roussel Uclaf and with respect to the designation of inventors, Applicant is submitting herewith an English translation thereof as well as a certificate showing that Mr. Dubois was employed from September 2, 1985 to December 31, 1987 by Hoechst Marion Roussel. Therefore, it is deemed that Applicant has clearly complied with paragraph 2. With respect to requirement 2, Mr. Vieillefosse's declaration also indicates the time and place of the inventor's refusal to execute the application and therefore, requirement 2 has been complied with.